

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CIVIL NO. 1:06CV265

UNITED STATES OF AMERICA,

Plaintiff,

Vs.

\$16,920.00 IN UNITED STATES
CURRENCY, and

REAL PROPERTY AT 565 JENKINS
ROAD, CANTON, HAYWOOD
COUNTY, NORTH CAROLINA,
DESCRIBED IN DEED BOOK 467,
PAGE 20, OF THE HAYWOOD
COUNTY, NORTH CAROLINA
PUBLIC REGISTRY,

Defendants,

And

JILL ROGERS,

Claimant.

ORDER

THIS MATTER is before the Court on the Memorandum and
Recommendation of United States Magistrate Judge Dennis Howell.
Pursuant to standing orders of designation and 28 U.S.C. § 636, the

undersigned referred the Plaintiff's motion to dismiss to the Magistrate Judge for a recommendation as to disposition.

The Court has reviewed the pleadings in this matter and notes the claimant has failed to file any objection to the Memorandum and Recommendation. The Court will, therefore, adopt it with minor clarifications.¹

IT IS, THEREFORE, ORDERED that the Plaintiff's motion to dismiss, deemed by the Magistrate Judge to be a motion to strike, is hereby **DENIED**.

IT IS FURTHER ORDERED that the motion to strike is hereby **DENIED**.

IT IS FURTHER ORDERED that the motion to dismiss is deemed to be a motion for judgment on pleadings and as such is hereby **GRANTED** as to the Defendant Currency and **DENIED** as to the Defendant Real Property; and

¹Because the use of the word "sanction" may have unintended implications, the undersigned will substitute a directive to counsel.

IT IS FURTHER ORDERED that the Claimant's counsel shall associate with his law partner in connection with this civil forfeiture matter pursuant to the Court's directive.

Signed: June 11, 2007

A handwritten signature in black ink, appearing to read 'L. H. Thornburg', written over a horizontal line.

Lacy H. Thornburg
United States District Judge

